



CRL OP(MD). No.5840 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.5840 of 2024

Sathish Kumar,

... Petitioner/ Accused - 2

Vs

The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No. 625 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Nandagopal.J,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 625 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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17.10.2022 for the alleged offence under Sections 8(c), 20(b), (ii)(c), 29(1) and 25 of NDPS Act, 1985 in Crime No.625 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused 1 & 2 along with other accused have been arrested by the respondent police and also recovered 440 kgs of ganja from them. The petitioner is a driver of a Car bearing Registration No.TN 01 BF 7616, where, 220 kgs of ganja has been recovered.

3.The learned counsel appearing for the petitioner submits that the petitioner is in judicial custody for the past 520 days. The earlier bail application filed by the petitioner has been dismissed by this Court on 29.02.2024. This is the third bail application filed by him. The learned counsel by referring CrI.OP(MD) No.23450 of 2023, dated 10.01.2024, CrI.OP(MD) No.18012 of 2023, dated 21.11.2023 and CrI.OP(MD) No.2280 of 2024, dated 14.02.2024 submits that the co-accused have been enlarged on bail by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent strongly objects for grant of bail to the petitioner as this petitioner is the driver of the Car, in which, 220 kgs of ganja has been found and recovered.

5.This Court considered the rival submissions made on either side and perused the materials placed on record.



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6.The petitioner is the driver of a Car bearing Registration No. TN 01 BF 7616 and this petitioner along with 13 others has transported 440 kgs of ganja from Madurai to Andhra Pradesh. Based on a secret information, the above vehicle was intercepted on the way to Andhra Pradesh, the contraband was recovered from the accused and a case in Crime No.625 of 2022 has been registered. This Court has granted bail to A4, A6, A13 and A14 in this crime on the ground that they were not present in the scene of occurrence. Insofar as the petitioner is concerned, the petitioner is the driver of the offended vehicle and at the time of recovery of contraband, the petitioner was present in the scene of occurrence. It appears that the petitioner the brother of A1.

7.In view of the above and considering the quantity of ganja involved in this case, this Court is not inclined to grant bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
16/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN



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TO செய்து உதரவு

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- 1 THE INSPECTOR OF POLICE
DINDIGUL TALUK POLICE STATION, DINDIGUL DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.5840 of 2024

Date :16/04/2024

SS/VR/SAR- /24/04/2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023